

Reply Under 37 C.F.R. 1.116
Expedited Procedure – Technology Center Art Unit 1657

REMARKS

Claims 1, 2, 4-17 and 19-53 are pending. Claims 37-51 have been withdrawn from consideration.

In this Amendment, claims 37-51 have been canceled in response to a previously issued restriction requirement that was made final. Claims 4, 6, 7, 12, 13, 15, 16, 22, 24, 25, 29, 30, 32, and 33 were amended to correct minor matters of form by amending to proper Markush group format. Also, claim 52 has been amended. The amendment to claims 52 involves no new matter and will be discussed in more detail below. Claim 53 has been canceled.

The abstract was objected to because it was not directed to the presently claimed invention. Applicants have rewritten the abstract so that it is directed to the presently claimed invention.

All the amendments herein made after final rejection are in compliance with 37 C.F.R. § 1.116 and are merely canceling claims or correcting minor formal matters to place the application in position for immediate allowance.

The Examiner requested that Applicants inform the Examiner of related applications, patented, pending or abandoned. U.S. Patent Application 10/721,031 is a continuation-in-part application of the current application and is currently pending. U.S. Patent Application 11/248,650 is a divisional application of the current application and is also currently pending (allowed). Applicants' undersigned counsel regrets the prior error in not correctly identifying the relationship between these applications (e.g., in the Amendment filed January 18, 2007 in the '650 application, which will be correctly amended prior to payment of the issue fee).

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Claims 1, 2, 3-17, 19-36, 52 and 53 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-36 of copending Application No. 10/721,031 and 1-36 over copending application 11/248,650. Applicant herewith submits a terminal disclaimer for each of the above-identified applications. Applicant submits that the submission of these terminal disclaimers obviates this rejection.

Claims 52 is rejected under 35 U.S.C. Section 112, first paragraph. Specifically, the Examiner says that the limitation "is not reconstituted from a lyophilisate" is not found in the application as originally filed. While not agreeing with the Examiner's rejection, in order to expedite prosecution, Applicants have removed this limitation from claim 52. Therefore, in view of this amendment, this rejection is now moot and should be withdrawn.

Claim 53 is rejected under 35 U.S.C. Section 112, second paragraph. Specifically, the Examiner states that the phrase "demonstrates enhanced accelerated stability" is not clear or easily understood. While not agreeing with the Examiner's rejection, in order to expedite prosecution, Applicants have deleted claim 53. Therefore, in view of the deletion of this claim, this rejection is now moot and should be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims are now in condition for allowance. Accordingly, a Notice of Allowance is believed in order and is respectfully requested.

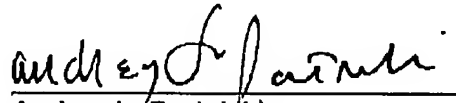
Should the Examiner have any questions concerning the above, she is respectfully requested to contact the undersigned at the telephone number listed below. If the Examiner notes any further matters which the Examiner believes

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may be expedited by a telephone interview, the Examiner is requested to contact the undersigned.

Respectfully submitted,
Judith Friese, et al.

ABBOTT LABORATORIES
Customer No. 23492
Telephone: (847) 938-3440
Facsimile: (847) 938-2623


Audrey L. Bartnicki
Registration No. 40,499
Attorney for Applicants